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OFFICE OF PETITIONS

In re Application of
McColloch, et al.
Application No. 10/603,714
Filed: June 25, 2003
Attorney Docket No. 10020919-1
For: OPTICAL CABLE WITH
INTEGRATED ELECTRICAL
CONNECTOR

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ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed December 16, 2005, requesting that the Office withdraw the holding of abandonment of the above-identified application. The petition is being treated as a request under 37 CFR 1.181 for clarification of the date of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

As a preliminary matter, it is noted that the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application was held abandoned for failure to seek court review of the Board of Patent Appeals and Interferences Decision on Appeal within two months of the October 20, 2005 decision. A Notice of Abandonment was mailed on December 2, 2005.

Petitioners argue that the application was not abandoned when the December 2, 2005 Notice of Abandonment was mailed.

Petitioners' argument is well taken. 37 CFR 1.197(b)(2) Return of jurisdiction from the Board of Patent Appeals and Interferences; termination of proceedings states: The date of termination of proceedings on an application is the date on which the appeal is dismissed or the date on which

the time for appeal to the U.S. Court of Appeals for the Federal Circuit or review by civil action (§ 1.304) expires in the absence of further appeal or review.

Where no claim stands allowed, the proceedings in an application or *ex parte* reexamination proceeding are terminated as of the date of the expiration of the time for filing court action.

No claims were allowed in this application. Therefore, the application became abandoned on December 21, 2005. The petition under 37 CFR 1.181 is **granted** and the December 2, 2005 Notice of Abandonment is **vacated** because it was mailed prematurely.

No petition fee has been or will be charged in connection with this matter.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
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